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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,241	04/24/2001	Gregg Freishtat	P3985	7519

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EXAMINER

KARMIS, STEFANOS

ART UNIT	PAPER NUMBER
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3691

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 09/842,241	Applicant(s) FREISHTAT ET AL.	
	Examiner Stefano Karmis	Art Unit 3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2006.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following communication is in response to Applicant's arguments filed 15 November 2006.

Status of Claims

2. There are no new amendments to the claims. Therefore original claims 1-40 pending.

Response to Arguments

3. Applicant's arguments filed 15 November 2006 have been fully considered but they are not persuasive as discussed below. Therefore claims 1-40 stand rejected and Applicant's request for allowance is respectfully declined.
4. Claims 1-40 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention as stated in the previous office action mailed 19 June 2006.

Claim 1 states a "rules-based filter" that interacts with communications from customers of the first enterprise. As previously stated, it is not clear what information the rules based filter is filtering or based on what rules. Simply because a rules based filter is "interacting" does not necessarily mean that that it is "filtering." Applicant asserts that the "discrimination layer for providing specific services to said customers according to one or more characteristics of the Web site of the second enterprise" restricts services according to a web site. Applicant fails to draw a

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connection between the rules based filter and the discrimination layer. They could be completely separate or combined in their function. Without such clarification, the metes and bounds of the claims are confusing, and therefore claim 1, stands rejected. The manner in which the “rules-based filter” along with the “discrimination layer” operate would not be obvious to one of ordinary skill in the art. Claims 11, 21 and 31 have similar limitations to that of claim 1 and therefore are rejected in a similar manner. Claims 2-10, 12-20, 22-30 and 32-40 are rejected based on their dependency. Applicant’s arguments regarding the rejection of claims 1-40 under 35 U.S.C. 112, second paragraph are therefore not persuasive.

5. Claims 1, 2, 4-12, 14-22, 24-32 and 34-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Sehr U.S. Patent 6,386,451.

Applicant asserts that he disagrees with the broad interpretation of Sehr. Applicant acknowledges that Sehr teaches travel cards which along with a user ID is presented to a service provider Web site to access services for the customer from a computer or computer based station. This alone is sufficient to teach a “rules-based filter for interacting with communication from customers of the first enterprise, the communications coming from a second Web-site of a second enterprise.” The user must enter the card and an ID for identification in order to interact with the web server providing the travel options to the consumer.

Applicant also argues that, “services are specifically provided based on the card information and the user identification, not based on the Web site originating the request as claimed.” The Examiner respectfully disagrees. First, the Web site is a travel web site and the

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services offered to the customer are travel related (Abstract). Therefore, that alone suggests that the specific services provided to the customer are accorded on a characteristic of the Web site. The travel site offers services available to the customer (column 15, lines 40-55). Continuing Sehr also teaches that loyalty points may be redeemed by participating merchants (column 14, line 59-63). Therefore the merchant discriminates loyalty points based on whether the merchant accepts points. Therefore “a discrimination layer for providing specific services to said customers according to one or more characteristics of the Web site of the second enterprise” is taught by Sehr and Applicant’s request for allowance is respectfully declined. Claims must be given their broadest reasonable interpretation consistent with the supporting description *In re Hyatt*, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). Therefore claims 1-40 stand rejected as stated in the previous office action and Applicant’s request for allowance is respectfully declined.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (571) 272-6744. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alex Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Respectfully Submitted
Stefano Karmis
29 January 2007



HANI M. KAZIMI
PRIMARY EXAMINER